

# VIRGINIA FAIR HOUSING BOARD

## MINUTES OF MEETING

JUNE 11, 2008

The Fair Housing Board Meeting was held at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

David B. Rubinstein, Chairman  
Stephen McMaster  
Laura Dupuy  
Tonye Epps  
Penny Johnson  
Jim Ginnell  
Martin Maples

The following Board Members were not present: Jim Schuyler, Jeffrey Adkins, Neil Bhatt, Robert Ruais and Cynthia Clare

DPOR Staff present for all or part of the meeting included:

Jay DeBoer, Director  
Mark Courtney, Deputy Director  
Liz Hayes, Fair Housing Administrator  
Christine Martine, Executive Director  
Emily Trent, Administrative Assistant  
Deanda Shelton, Assistant Fair Housing Administrator  
Trudy Miller, Fair Housing Investigator  
Angela Keefe-Thomas, Fair Housing Investigator  
Karen Taylor, Fair Housing Specialist  
Yvette Barnes, Fair Housing Investigator  
Arthur Ryan, Fair Housing Investigator

Tom Payne, Assistant Attorney General with the Office of the Attorney General, was present.

Chairman Rubinstein called the meeting to order at 10:20 **Call to Order**  
A.M.

There was no public comment.

**Public Comment**

A motion was made by Mr. McMaster and seconded by Ms. **Agenda**

Johnson to approve the Agenda. The motion passed unanimously. Members voting "Yes" were: Dupuy, Epps, Ginnell, Maples, McMaster, Johnson and Rubinstein.

A motion was made by Ms. Johnson and seconded by Mr. Ginnell to approve the following minutes: March 19, 2008, Fair Housing Regulatory Review Meeting and April 15, 2008 Fair Housing Regulatory Review Meeting. The motion passed unanimously. Members voting "Yes" were: Dupuy, Epps, Ginnell, Maples, McMaster, Johnson and Rubinstein. **Minutes**

A motion was made by Mr. McMaster and seconded by Mr. Maples to approve the following minutes: May 7, 2008 Fair Housing Regulatory Review Committee Meeting. The motion passed unanimously. Members voting "Yes" were: Dupuy, Epps, Ginnell, Maples, McMaster, Johnson and Rubinstein.

A motion was made by Mr. McMaster and seconded by Mr. Ginnell to approve the following minutes: April 16, 2008 Fair Housing Board Meeting. The motion passed unanimously. Members voting "Yes" were: Dupuy, Epps, Ginnell, Maples, McMaster, Johnson and Rubinstein.

Deanda Shelton updated the Board on the current investigative case load. No action was taken by the Board.

**Fair Housing  
Administrator's Report**

In the matter of **FHB File Number 2007-04965, Douglas Boe v. AIMCO Properties, L.P., Lake Ridge Oxford Assoc., L.P. and Diane Koonce**, the Board agreed without dissent to defer this matter to their next scheduled Board meeting to allow staff the opportunity to pursue conciliation.

**FHB File Number 2007-04965, Douglas Boe v. AIMCO Properties, L.P., Lake Ridge Oxford Assoc., L.P. and Diane Koonce**

In the matter of **FHB File Number 2008-02955, Melvin and Sheila Searcy v. CMH Homes, Inc. and Bobby Alberts**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Cameron Beck, Attorney for the Respondents, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Mr. McMaster to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Dupuy, Epps, Ginnell, Maples, McMaster, Johnson and Rubinstein.

**FHB File Number 2008-02955, Melvin and Sheila Searcy v. CMH Homes, Inc. and Bobby Alberts**

In the matter of **FHB File Number 2008-02344, Charles Otey v. Michelle Early, Deborah Potter and Afton Gardens GP, LLC**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Grimes Creasey, Attorney for the Respondents, was present and addressed the Board. A motion was made by Mr. McMaster and seconded by Ms. Johnson to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Dupuy, Epps, Ginnell, Maples, McMaster, Johnson and Rubinstein.

**FHB File Number 2008-02344, Charles Otey v. Michelle Early, Deborah Potter and Afton Gardens GP, LLC**

In the matter of **FHB File Number 2008-01016, Senait Ahferom v. Karen Suffern and Yorktown Homeowners Association**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis, Recommendation. A motion was made by Mr. McMaster and seconded by Mr. Ginnell to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Dupuy, Epps, Ginnell, Maples, McMaster, Johnson and Rubinstein.

**FHB File Number 2008-01016, Senait Ahferom v. Karen Suffern and Yorktown Homeowners Association**

In the matter of **FHB File Number 2008-03270, William B. Woody v. Rita Boggs, Nancy Hawkins and Tom McMullen**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. McMaster and seconded by Ms. Johnson to find no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Dupuy, Epps, Ginnell, Maples, McMaster, Johnson and Rubinstein.

**FHB File Number 2008-03270, William B. Woody v. Rita Boggs, Nancy Hawkins and Tom McMullen**

In the matter of **FHB File Number 2008-03287, Al Cleaver v. Linda Lou Kelly and Property Specialist**, a motion was made by Mr. McMaster and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Dupuy, Epps, Ginnell, Maples, McMaster, Johnson and Rubinstein.

**FHB File Number 2008-03287, Al Cleaver v. Linda Lou Kelly and Property Specialist**

In the matter of **FHB File Number 2008-02134, Carrie L. Jenkins v. Alexandria Redevelopment & Housing Authority, Roy Priest, Mary Ish and Yanny Bender**, a motion was made by Mr. McMaster and seconded by Ms. Johnson to approve the terms of the conciliation agreement

**FHB File Number 2008-02134, Carrie L. Jenkins v. Alexandria Redevelopment & Housing Authority, Roy**

as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Dupuy, Epps, Ginnell, Maples, McMaster, Johnson and Rubinstein.

**Priest, Mary Ish and  
Yanny Bender**

In the matter of **FHB File Number 2008-03285, Dennis Cayton v. Betty Spivey and Frieda Goldstein**, a motion was made by Mr. McMaster and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Dupuy, Epps, Ginnell, Maples, McMaster, Johnson and Rubinstein.

**FHB File Number 2008-  
03285, Dennis Cayton v.  
Betty Spivey and Frieda  
Goldstein**

In the matter of **FHB File Number 2008-03727, Jerlicia Hobbs v. Weinstein Properties, Weinstein Management Company, Inc., VA Kings Crossing Associates, LC, Tracy Bobbitt and Allison Weinstein**, a motion was made by Mr. McMaster and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Dupuy, Epps, Ginnell, Maples, McMaster, Johnson and Rubinstein.

**FHB File Number 2008-  
03727, Jerlicia Hobbs v.  
Weinstein Properties,  
Weinstein Management  
Company, Inc., VA  
Kings Crossing  
Associates, LC, Tracy  
Bobbitt and Allison  
Weinstein**

In the matter of **FHB File Number 2008-01104, Mia and Eve Keffe v. Brittany Knoll, LLC, Rutherford Construction, Inc., and Eugene Schaeffer**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, and supplemental documents submitted by both parties. A motion was made by Mr. Maples and seconded by Mr. McMaster to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Dupuy, Epps, Ginnell, Maples, McMaster, Johnson and Rubinstein.

**FHB File Number 2008-  
01104, Mia and Eve  
Keffe v. Brittany Knoll,  
LLC, Rutherford  
Construction, Inc., and  
Eugene Schaeffer**

In the matter of **FHB File Number 2008-00608, Christina and Clifton Heggins v. Tabitha Deberry and New Townhouse Park Association c/o Pennsylvania Realty Association, LLC**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Official Consultation Memorandum from the Office of the Attorney General. Kyle Korte, Attorney for Respondents, was present and addressed the Board.

**FHB File Number 2008-  
00608, Christina and  
Clifton Heggins v.  
Tabitha Deberry and  
New Townhouse Park  
Association c/o  
Pennsylvania Realty  
Association, LLC**

The Board recessed from 11:15 A.M. to 11:25 A.M.

**Break**

At 11:26 A.M., Ms. Dupuy offered a motion which was seconded by Mr. Maples, that the Board meeting be recessed and that the Fair Housing Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne, Liz Hayes, and Angela Keefe-Thomas. **Closed Session**

This motion is made with respect to the matter(s) identified as agenda item(s):

**10. FHB File Number 2008-00608, Christina and Clifton Heggins v. Tabitha Deberry and New Townhouse Park Association c/o Pennsylvania Realty Association, LLC**

At 12:05 P.M., a motion was made by Mr. McMaster and seconded by Ms. Johnson that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and **Certification**

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Fair Housing Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Fair Housing Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 7-0

AYES: Dupuy, Epps, Ginnell, Maples, McMaster, Johnson

and Rubinstein.

NAYS: None

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Schuyler, Adkins, Bhatt, Clare and Ruais.

In the matter of **FHB File Number 2008-00608, Christina and Clifton Heggins v. Tabitha Deberry and New Townhouse Park Association c/o Pennsylvania Realty Association, LLC**, the Board agreed without dissent to defer this matter to their next scheduled Board meeting to allow staff the opportunity to obtain additional information.

**FHB File Number 2008-00608, Christina and Clifton Heggins v. Tabitha Deberry and New Townhouse Park Association c/o Pennsylvania Realty Association, LLC**

In the matter of **FHB File Number 2008-02318, John F. Marsinko v. David Oliver and Keystone Management Corporation, LLC**, the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis and Recommendation and Official Consultation Memorandum from the Office of the Attorney General. Grimes Creasy, Attorney for the Respondents was present and addressed the Board. A motion was made by Ms. Dupuy and seconded by Ms. Johnson to find reasonable cause that the respondents discriminated against the Complainant based upon disability by refusing to make a reasonable accommodation and to delay issuing the charge for thirty days to pursue conciliation. The motion passed unanimously. Members voting "Yes" were: Dupuy, Epps, Ginnell, Maples, McMaster, Johnson and Rubinstein.

**FHB File Number 2008-02318, John F. Marsinko v. David Oliver and Keystone Management Corporation, LLC**

In the matter of **FHB File Number 2008-01804, Karen Smith v. Pam Keller, Phil Upton, Holiday Trav-L-Park, Sea Bay Development Corporation and RGB, Inc.**, the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis and Recommendation and Official Consultation Memorandum from the Office of the Attorney General. Karen Smith, Complainant, was present and addressed the Board. A motion was made by Mr. McMaster and seconded by Ms. Dupuy to find reasonable cause that the respondents discriminated against the Complainant based upon familial status by engaging in

**FHB File Number 2008-01804, Karen Smith v. Pam Keller, Phil Upton, Holiday Trav-L-Park, Sea Bay Development Corporation and RGB, Inc.**

discriminatory terms and conditions by refusal to rent, and making discriminatory statements and to delay issuing the charge for thirty days to pursue conciliation. The motion passed unanimously. Members voting “Yes” were: Dupuy, Epps, Ginnell, Maples, McMaster, Johnson and Rubinstein.

A motion was made by Mr. McMaster and seconded by Ms. Dupuy to accept the June 11, 2008, Education Committee Report. The motion passed unanimously. Members voting “Yes” were: Dupuy, Epps, Ginnell, Maples, McMaster, Johnson and Rubinstein. **Education Committee Report**

There being no further business, the meeting adjourned at **Adjourn**  
12:20 P.M.

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David B. Rubinstein, Chairman

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Jay W. DeBoer, Secretary